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June 17, 2008

**BY HAND DELIVERY**

Honorable William H. Pauley  
United States District Judge  
Southern District of New York  
500 Pearl Street  
New York, New York 10007

*Application granted.*

*SO ORDERED:*

*WILLIAM H PAULEY III U.S.D.J.*  
6/26/2008

Re: Timothy Carter a.k.a. Russell Harris v. The City of New York, et. al., 08-CV-04485 (WHP) (DCF)

Your Honor:

As the Assistant Corporation Counsel assigned to the defense of the above-referenced civil rights action, I write to respectfully request that defendant City of New York's time to answer or otherwise respond to the complaint in this action be enlarged sixty (60) days from June 18, 2008 to and including August 18, 2008.<sup>1</sup> I have conferred with plaintiff's counsel, Jeffry Pollock, Esq., and he consents to this initial request for an enlargement of time.<sup>2</sup>

<sup>1</sup> This case has been assigned to Assistant Corporation Counsel Katherine E. Smith, who is presently awaiting admission to the bar and is handling this matter under supervision. Ms. Smith may be reached directly at (212) 513-0462.

<sup>2</sup> A check of the docket sheet indicates that affidavits of service of the summons and complaint have not been filed with respect to the individual identified in the caption of the complaint as "Correction Officer "John" Canton," nor has he requested representation from this office. Without making any representations on behalf of the aforementioned individual, it is respectfully requested that, in the event he was served, his time to respond to the complaint similarly be enlarged so that his defenses are not jeopardized while representational issues are being decided.

The complaint alleges, *inter alia*, that on January 31, 2007, New York City Department of Correction Officer "John" Canton and several other unidentified correction officers employed excessive force against plaintiff in violation of his civil rights. As a threshold matter, an enlargement of time will allow this office to obtain the underlying documentation regarding the alleged incident from the facility and forward to plaintiff for execution an authorization for the release of his medical records. Without the records, defendant cannot properly assess this case or respond to the complaint. Accordingly, defendant requires this enlargement so that it can obtain the underlying documentation, properly investigate the allegations of the amended complaint and fulfill its obligations under Rule 11 of the Federal Rules of Civil Procedure.

No previous request for an enlargement of time has been made. Accordingly, defendant City of New York respectfully requests that its time to answer or otherwise respond to the complaint be enlarged sixty (60) days from June 18, 2008 to and including August 18, 2008.

I thank Your Honor for considering the within request.

Respectfully submitted,



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